

FILED
SCRANTON

JUN 14 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARY E. D'ANDREA, CLERK
Per John
Def.

John Carter,
Petitioner,

: MOTION FOR
: A TEMPORARY RESTRAINING
: ORDER

v.
DEPARTMENT OF CORRECTIONS;
Jeffrey A. Beard, Secretary
of Corrections,
Respondent.

: Case No. 1:CV-00-0834

To the Honorable, Judge Caldwell, judge of the United States District Court, greetings:

COMES NOW, the petitioner John Carter, who moves this Court pursuant to my right to redress protected under the FIRST AMENDMENT for a temporary restraining order against the above named Respondent, and all officers, agents, employers, and all other persons acting in concert or participation with them, for the following emergency CIRCUMSTANCE:

1. that, on June 3, 2005, petitioner was physically attacked and assaulted by corrections officers: Yo Lee; Yo Huber; Yo Snyder; Yo Kutzla; Yo Peltier; Yo Britton; Lt. Clause; and several other corrections officers whose names are unknown at the present time, in retaliation for filing

the pending action before this court at the above case number; these officers began punching and kicking the petitioner after he had been handcuffed to be removed from cell D2-22 by C/o Huber; these named officers then began threatening to beat petitioner again if petitioner continued his litigation; these same officers then slammed petitioner onto the cell floor and began kicking him while he continued to be handcuffed; at this point Lt. Clause ordered the officers to cease their assault because another C/o was near with a video camera; petitioner was then lifted from the floor and carried into an empty cell and slammed onto the metal bed frame; petitioner was then stripped of his clothes and left in the empty cell as of June 8, 2005.

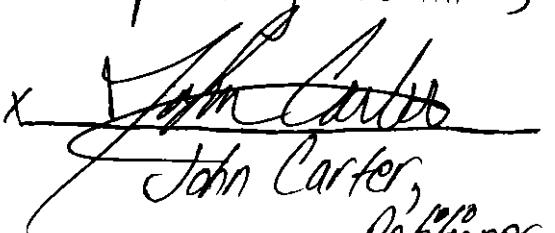
2 that, petitioner has an inalienable right to safety protected under the Declaration of Independence, and Declaration of Rights encompassed in the Constitutions.

WHEREFORE, under the extraordinary circumstances, the petitioner demand that he be removed from the custody of the DEPARTMENT OF CORRECTIONS immediately due to the threat and danger to his persons which has already been assaulted in retaliation.

I, petitioner John Carter, do hereby swear

that the above facts are true and correct, and this
verification is made subject to the penalty of perjury.

Date: 06/08/2005

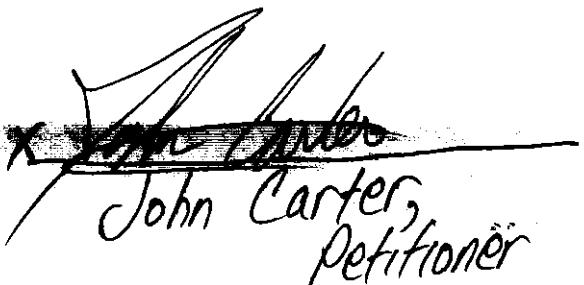
Respectfully Submitted,

John Carter,
Petitioner
#081847
P.O. Box 200
Camp Hill, PA 17001

CERTIFICATE OF SERVICE

I, John Carter, hereby certify that on June 8, 2005, a copy of the foregoing MOTION FOR A TEMPORARY RESTRAINING ORDER was served upon State prison officials at the State Correctional Institution at Camp Hill, Pennsylvania for mailing to the following persons in the manner indicated:

First Class Mailing

*Jeffrey A. Beard
Secretary of Corrections
P.O. Box 598
Camp Hill, PA 17001


John Carter,
Petitioner

John Carter
DD1814
P.O. Box 200
Camp Hill, PA 17001

INMATE MAIL
DEPARTMENT OF CORRECTION



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MARY E. D'ANDREA CLERK
Per DEPUTY CLERK

Judge Caldwell
United States District Court
For The Middle District of PA.
U.S. COURTHOUSE
235 N. Washington Avenue
Scranton, PA. 18501

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